



Counties of Inyo-Mono

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INYO/MONO COUNTIES AGRICULTURAL COMMISSIONER PESTICIDE USE ENFORCEMENT PROGRAM PLANNING and EVALUATION

December 31, 2009

Work Plan for 2010 through 2012

Inyo/Mono County Agricultural Commissioners' (CAC) Office receives baseline funding annually from the State for pesticide enforcement. The Deputy Agricultural Commissioner and one part-time Agricultural Biologist/Weights and Measures Inspector are responsible for the work force of this pesticide enforcement program. Three continuing education seminars will be provided annually to both private and commercial pest control operators, advisors and pilots. It is our intent to implement the following Pesticide Enforcement Work Plan for the 2010 through 2012 calendar years and to be successful at completing it to the best of our ability with the staffing resources we have.

Inyo/Mono Counties' Work Plan Goals Include:

- Annually issuing 60-70 restricted material permits/operator ID's
- 30 pre-application inspections
- 60 Notice of Intent (NOIs) reviewed
- 6 structural inspections
- 3 field worker safety (FWS) inspection
- 45 application inspections
- 6 mix/load inspections
- 24 record audit inspections
- 6 illness investigation
- 6 pesticide control business (PCB), pest control advisor (PCA) registrations
- Annually providing 3 outreach / continuing education / industry meetings
- 375 hours in field surveillance
- 6 complaint investigations

Inyo/Mono Counties' CAC Staff Resources

- 1 Agricultural Commissioner with 32 years experience (program management)
- 1 Deputy Agricultural Commissioner with 25 years experience who devotes 50% of time to pesticide use enforcement

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- 1 part-time Agricultural Biologist/Weights and Measures Inspector with 1040 hours devoted to pesticide enforcement
- 1 highly trained office manager devoting 400 hours annually to pesticide related activities

Inyo/Mono Counties' work plan for future program implementations will be based on evaluation of core enforcement areas during calendar year 2009.

I. Restricted Materials Permitting 2010 through 2012

Goals

Inyo/Mono CAC Office will insure that our restricted materials permit system protects people and the environment while allowing for effective pest control.

A. Permit Evaluation Process

- All Permits are issued to growers and/or their authorized representatives for one year. Occasionally, permits are amended throughout the year to reflect changes in crop or additional restricted material pesticides to be applied. Seasonal permits are issued for those growers requesting only single applications or several applications over a short duration.
- Applicants requesting a Restricted Materials Permit are asked if they have considered feasible alternatives to a restricted use pesticide, which would substantially lessen any adverse impact on the environment. These alternatives would include both non-pesticide procedures and non-restricted materials. All permits are issued by qualified staff, using their numerous years of experience, to assist growers in considering these alternatives.
- Those applicants with a history of non-compliance are thoroughly reviewed to determine if permit conditions must be included allowing both effective pest control and compliance with existing laws and regulations.
- CAC staff issues the Department of Pesticide's (DPR) Pesticide Safety Information Series #1-11 to all applicants who utilize employees to handle pesticides. Applicants are informed that employees whose job duties involve handling pesticides are required to have annual pesticide safety training.
- Inyo/Mono Counties is requiring all growers to continue to develop and submit updated maps of their site annually. Environmentally sensitive sites (nearby lakes & streams) are identified on these maps and mitigating measures to protect these, areas are addressed before permit issuance. The maps are converted to aerial photographs and filed with the permit.
- During Spring 2007, the CAC Office began using the Restricted Materials Management System (RMMS). The RMMS helped to standardize the permit process, and has allowed for the submission of more accurate information.

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B. Site monitoring plan

Goals

With a land area larger than several eastern states combined, and second largest county in California, Inyo/Mono Counties will still implement both local and/or regional site monitoring plans that utilize our knowledge of pesticide hazards, local conditions, cropping, field work patterns, handler, permittee and advisor compliance histories through:

- Review 100% of NOIs submitted. NOIs which are incomplete and/or clarification is needed, will be corrected by the grower prior to application. NOIs are submitted by phone or directly by the grower to the CACs office.
- CAC staff will conduct preapplication inspections above the mandatory 5% required by DPR.
- Focus on high priority situations through a mandatory preapplication inspection policy requiring the monitoring of all pesticide application inspections near sensitive sites (schools, homes, and occupied structures). This strategy will include toxicity of pesticide, application method and the compliance history of the permit applicant.

II. Compliance Monitoring Plan 2010 through 2012

Goals

Inyo/Mono Counties strategic goal is to have an effective and comprehensive compliance monitoring system that will reduce the risk of pesticide applications involving people and the environment.

A. Comprehensive Inspection Plan Development

- Evaluate program strategies between target and random inspections.
- The plan will ensure we handle situations based on risk levels that include but are not limited to: review of violation history; pesticide episode occurrences; and, pesticide use activities.
- Application sites situated near environmentally sensitive areas will become high priority and a target inspection.
- Structural fumigation branch #1 will become target inspections due to the high toxicity of pesticides used.
- Applicators using herbicides on right-a-way sites near waterways will become target inspections.
- Both application and record inspections on applicators with a history of non-compliance will become high priority. Measurable improvements in over-all compliance will be noted for effectiveness.
- There will be an emphasis on applicators using personal protection equipment as required by both the pesticide label and state regulations.
- All aerial applications are target inspections.
- Staff will conduct a minimum of 375 hours surveillance to locate random inspections.

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B. Investigation Response and Reporting

Goals

Inyo/Mono Counties will evaluate investigation responses and reports. The County will investigate episodes that may involve potential or actual human illness or injury, property damage, loss or contamination, and environmental effects alleged to be the result of a pesticide in a timely and thorough manner.

- Completion of all priority and non-priority investigations will be in a timely manner. Effective communication with assigned DPR liaison will be immediate for all episode investigations.
- Investigation timelines will exist through maintenance log tracking systems. Violations will be followed accordingly with decision reports and enforcement/compliance action summary.
- Evaluate staff training needs for illness investigation reports and investigation techniques.
- Follow elements of the violation investigation techniques from DPR training guidelines.
- Evaluate cause of violations and justify type of action taken. Staff will follow enforcement response guidelines set out in CCR Title 3, 6130, and CCR Title 16, 1922 (a), to determine enforcement response level. A Notice of Proposed Action (NOPA) will be issued following these guidelines.
- The staff will document and respond to all pesticide related complaints.

III. Enforcement Response 2010 through 2012

Goals

Inyo/Mono Counties will evaluate the enforcement program to assure that it is fair, consistent and timely. Emphasis will be to detect, and deter repeat violators through both compliance monitoring and enforcement response. Effective inspections and investigations will allow the CAC Office to identify and respond to potential hazards to workers, the public and the environment.

A. Enforcement Evaluation

- The CAC Office will have an effective enforcement program using a broad-based and comprehensive inspection types. Our goal will be to complete 45 applications, 6 mix/load applications and 24 record audit inspections.
- When a non-compliance is observed during an inspection, the inspector will assign a violation number to the inspection form and provide a copy to the person being inspected.
- Compliance actions will be achieved using either the Inspection Form with a violation number assigned, Violation Notice Forms and Warning Letters. Necessary follow-up inspections will be performed immediately to determine if corrections have been made.

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- All violations will be reviewed by the Deputy to determine proper enforcement action.
- All enforcement actions will follow the process set out by the Department of Pesticide Regulation, and County Agricultural Commissioner's response regulations.
- Enforcement actions can be revoking any of the following: restricted materials permits, private applicator certifications and county registrations.
- Enforcement actions can also be Agricultural Civil Penalties as set out in CCR Title 3, 6130, or, for Structural Civil Penalties, as set out in CCR Title 16, 1922 (a). Staff will follow enforcement response guidelines to determine the proper enforcement response level. Administrative civil penalty (NOPA) will be issued following these guidelines.
- The NOPA is written by the Deputy Agricultural Commissioner, and forwarded to the Commissioner for his signature.
- A pesticide enforcement/compliance action summary will be prepared for each NOPA.
- The NOPA will provide the respondents with the proposed fine level, details and violated code sections and their rights to a hearing to review evidence. The respondent is also given the right to be heard.

IV. Staff Training for 2010 through 2012

Staff will make every effort to attend training seminars put on by DPR Staff throughout the year for work areas involving agricultural and structural inspections.